

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:	)	
	)	Bankruptcy Case No.: 14-23154-CMB
FRANCIS M. MACHI, JR., aka,	)	
FRANK M. MACHI	)	Chapter 11
	)	
Debtor.	)	Docket No.: _____
	)	
JEFFREY J. SIKIRICA, TRUSTEE	)	Related to Doc. No. 692 , 705
	)	
Movant,	)	Hearing Date: December 11, 2018
vs.	)	Hearing Time: 2:30 p.m.
	)	
	)	
SPECIALIZED LOAN SERVICING LLC,	)	
as servicer for U.S. BANK NATIONAL	)	
ASSOCIATION, as TRUSTEE for	)	
TERWIN MORTGAGE TRUST	)	
2005-10HE, ASSET-BACKED	)	
CERTIFICATES, SERIES 2005-10HE,	)	
CITY OF PITTSBURGH,	)	
TREASURER CITY OF	)	
PITTSBURGH, TREASURER	)	
SCHOOL DISTRICT OF	)	
PITTSBURGH, TREASURER OF	)	
COUNTY OF ALLEGHENY, JORDAN	)	
TAX SERVICE, INC., PITTSBURGH	)	
WATER & SEWER AUTHORITY,	)	
WELLS FARGO, NA and	)	
GERALD LAYCHAK	)	
	)	
Respondents	)	

**ORDER CONFIRMING SALE OF REAL PROPERTY FREE AND DIVESTED OF  
LIENS, CLAIMS AND ENCUMBRANCES**

AND NOW this 14th day of December 2018, on consideration of this "Motion For Order Approving Sale of Real Property Free and Clear of Liens, Claims and Encumbrances Pursuant to 11 U.S.C. §§ 105 and 363 and F.R.B.P. Nos. 2002 and 6004 and W.PA.LBR 6004-1 and 9013-3" (hereinafter the "Sale Motion") filed by Jeffrey J. Sikirica, Chapter 7 Trustee for Francis M. Machi, Jr. (hereinafter the "Machi Trustee"), after notice and hearing held on

December 11, 2018 at 2:30 p.m. before Judge Carlota M. Böhm in Courtroom B, 54<sup>th</sup> Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219 ( hereinafter the “Sale Hearing”), this Court finds:

1. The findings and conclusions set forth herein constitute the Court's findings of fact and conclusions of law pursuant to Bankruptcy Rule 7052, made applicable to this proceeding by Bankruptcy Rule 9014.

2. This Court has jurisdiction to hear and determine the within matter pursuant to 28 U.S.C. §§157 and 1134.

3. Venue is proper pursuant to 28 U.S.C. §1409(a).

4. Determination of the relief sought at the Sale Hearing is a core proceeding under 28 U.S.C. §157(b)(2)(A) and (N). The statutory predicates for the relief provided for herein are Bankruptcy Code §§105 and 363 and Bankruptcy Rules 2002 and 6004 and W.PA.LBR 6004-1 and 9013-3.

5. That Service of the Notice of Hearing, the Notice of Sale and the Sale Motion, was properly made on the above named Respondents.

6. That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party shown by the certificates of service duly filed and that the named parties were duly served with the Motion.

7. That the Sale Hearing was duly advertised on the Court's website pursuant to W.PA.LBR 6004-1(c) on 11/15/18, in the Pittsburgh Post-Gazette on 11/15/18, and in the Pittsburgh Legal Journal on 11/15/18, as shown by the Proofs of Publication duly filed in each of the Trustees' Bankruptcy cases.

8. That the sale of the real property and as contemplated by the Sale Motion is being made **AS IS, WHERE IS and WITH ALL FAULTS** and with no representations and/or warranties of any kind.

9. That at the Sale Hearing, all objections to the sale, if any, were heard and overruled.

Now therefore, **IT IS ORDERED, ADJUDGED and DECREED** that the sale of the real estate owned by the Debtor described as 3825 Mintwood Street, 6<sup>th</sup> Ward of the City of Pittsburgh, Allegheny County, Pennsylvania 15201 and identified as tax parcel 0049-P-00138-000A-00, as recorded in the Allegheny County Recorder of Deeds Office at Deed Book Volume 10975, page 550, (hereinafter "Real Estate") is hereby CONFIRMED to **Bradford Brothers LLC or its assigns** for **\$169,900.00** free and divested of all liens and claims, including, but not limited to, those of the above named Respondents pursuant to the following conditions:

- 1) On or before 15 days from the date of this Order, Bradford Brothers LLC or its assigns must provide the Chapter 11 Trustee a mortgage commitment letter to satisfy the conditions of the mortgage contingency set forth in paragraph 8 of the Sales Agreement attached as Exhibit "A" to the Sale Motion, and,
- 2) Closing on the sale of the Real Estate shall occur on or before 30 days from the date of this Order.

Failure to meet the conditions set forth in subparagraphs 1) and 2) above unless extended by mutual agreement of the parties shall render the Order approving the sale of the Real Estate null and void.

The Chapter 11 Trustee is authorized to make, execute and deliver to the Purchaser above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the sale terms.

**IT IS FURTHER ORDERED**, that at the closing of the sale, the following shall be paid:

- a. No real estate transfer taxes will be paid as this sale is exempt under 11 U.S.C. §1146(c) since the sale is being made pursuant to a confirmed Chapter 11 Plan.
- b. Real estate taxes for the school district, county and Township, including all delinquent real estate taxes due at the time of the closing with current real estate taxes prorated between the Successful Bidder and the Debtor on the date of closing;

- c. Municipal liens for sewage and water due at the time of closing;
- d. Normal miscellaneous closing costs related to documentation, lien letters, etc.,
- e. Payment to Specialized Loan Servicing LLC as servicer for U.S. Bank National Association, as Trustee for Terwin Mortgage Trust 2005-10HE, Asset-Backed Certificates, Series 2005-10HE in full of its claim to satisfy its mortgage in the estimated balance amount of \$103,039.07 plus additional accruals until the date of closing, and,
- f. The balance of the proceeds shall be distributed by the Machi Trustee pursuant to terms and priority set forth in the Chapter 11 Plan.
- g. Any claim for broker fees of up to 6% of the sale price plus \$395.00 are to held in escrow pending further order of this Court.

**IT IS FURTHER ORDERED** that the Successful Bidder acted in good faith with respect to the within sale in accordance with the *In re Abbots Dairies of Pennsylvania, Inc.*, 788 F.2d. 143 (3d Cir. 1986).

**IT IS FURTHER ORDERED** that the Successful Bidder Purchase Price was the highest and best offer made at the Sale Hearing and is a fair and reasonable price for the Real Estate.

**IT IS FURTHER ORDERED** the sale is “AS IS, WHERE IS and WITH ALL FAULTS” and with no representations and/or warranties of any kind expressed or implied.

**IT IS FURTHER ORDERED** that the Chapter 11 Trustee is authorized to make and execute on behalf of the Debtor any and all documents necessary to transfer title to the Real Estate. The deed provided by the Trustee to transfer the Real Property shall be by “Special Warranty Deed”.

**IT IS FURTHER ORDERED** that the sale of the Real Estate to the Successful Bidder shall be free, clear and divested of any and all liens, claims and encumbrances, and the liens,

claims, interests and encumbrances listed in paragraphs 10, 11, 12, 13, and 14 of the Sale Motion, in accordance with Sections 105(a) and 363 of the Bankruptcy Code.

**IT IS FURTHER ORDERED** that said liens, claims and encumbrances, including but not limited to those liens, claims, interests and encumbrances listed in paragraphs 10, 11, 12, 13, and 14 of the Sale Motion, to which the Real Estate is being sold free, clear and divested of, be, and hereby are divested from the Real Estate, and, if and to the extent they may be determined to be valid liens, claims, interests and encumbrances against the Real Estate, shall transfer to the proceeds of the sale.

**IT IS FURTHER ORDERED** that pursuant to W.PA.LBR. 6004-1(c)(4), within seven (7) calendar days of the Closing Date, the Trustee shall file a report of sale.

**IT IS FURTHER ORDERED** that this Order survives any dismissal or conversion of the above captioned bankruptcy cases.

FILED  
12/14/18 3:25 pm  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Carlota M. Böhm', written over a horizontal line.

Carlota M. Böhm  
Chief Judge United States Bankruptcy Court

In re:  
Francis M. Machi, Jr.  
Debtor

Case No. 14-23154-CMB  
Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dric  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 1

Date Rcvd: Dec 14, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 16, 2018.

db +Francis M. Machi, Jr., 3823 Mintwood Street, Pittsburgh, PA 15201-1221

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 16, 2018

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 14, 2018 at the address(es) listed below:

David Z. Valencik on behalf of Attorney Calaiaro Valencik dvalencik@c-vlaw.com,  
cylaw.ecf.dvalencik@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-vlaw.com; mpeduto@c-vlaw.com  
Donald R. Calaiaro on behalf of Attorney Calaiaro Valencik dcalaiaro@c-vlaw.com,  
cylaw.ecf.dcalaiaro@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-vlaw.com; mpeduto@c-vlaw.com  
Elizabeth Lamont Wassall on behalf of Creditor Ocwen Loan Servicing, LLC as servicer for  
pabk@logs.com, ewassall@logs.com  
Erin P. Dyer on behalf of Creditor Dyer Law Firm, P.C. erindyer@wvlegalcounsel.com  
James Warmbrodt on behalf of Creditor DLJ Mortgage Capital, Inc. bkgroup@kmlawgroup.com  
James Warmbrodt on behalf of Creditor U.S. Bank National Association, as Trustee for Terwin  
Mortgage Trust 2005-10HE, Asset-Backed Certificates, Series 2005-10HE bkgroup@kmlawgroup.com  
James Warmbrodt on behalf of Creditor U.S. Bank National Association Et Al...  
bkgroup@kmlawgroup.com  
James A. Prostko on behalf of Creditor OCWEN LOAN SERVICING, LLC AS SERVICER FOR WELLS FARGO  
BANK, N.A., AS TRUSTEE FOR THE POOLING AND SERVICING AGREEMENT DATED AS OF OCTOBER 1, 2004 PARK  
PLACE SECURITIES, INC. ASSET-BACKED PASS-THROUGH C pawb@fedphe.com,  
james.prostko@phelanhallinan.com  
James A. Prostko on behalf of Creditor Wells Fargo Bank, N.A., as Trustee, et al...  
pawb@fedphe.com, james.prostko@phelanhallinan.com  
James A. Prostko on behalf of Creditor Wells Fargo Bank, N.A., as Trustee, for the  
certificate holders of Asset-Backed Pass-Through Certificates, Series 2005-WCW3 pawb@fedphe.com,  
james.prostko@phelanhallinan.com  
Jeffrey J. Sikirica trusteesikirica@zoominternet.net, PA59@ecfcbis.com  
Jeffrey J. Sikirica on behalf of Trustee Jeffrey J. Sikirica trusteesikirica@consolidated.net,  
PA59@ecfcbis.com  
Jeffrey R. Hunt on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com,  
cnoroski@grblaw.com  
Jeffrey R. Hunt on behalf of Creditor City and School District of Pittsburgh jhunt@grblaw.com,  
cnoroski@grblaw.com  
Jeffrey R. Hunt on behalf of Creditor Allegheny County jhunt@grblaw.com, cnoroski@grblaw.com  
Jill Manuel-Coughlin on behalf of Creditor U.S. Bank National Association Et Al...  
jill@pkallc.com,  
chris.amann@pkallc.com; nick.bracey@pkallc.com; samantha.gonzalez@pkallc.com; harry.reese@pkallc.com  
;mary.raynor-paul@pkallc.com; amanda.rauer@pkallc.com  
Joseph P. Schalk on behalf of Creditor Wells Fargo Bank, N.A., et. al. jschalk@barley.com,  
sromig@barley.com  
Joseph S. Sisca, on Behalf of the United States Trustee by on behalf of U.S. Trustee Office  
of the United States Trustee joseph.s.sisca@usdoj.gov  
Keri P. Ebeck on behalf of Creditor Specialized Loan Servicing, LLC As Servicer For U.S. Bank  
National Association, et al kebeck@bernsteinlaw.com, DMcKay@bernsteinlaw.com

District/off: 0315-2

User: dric  
Form ID: pdf900

Page 2 of 2  
Total Noticed: 1

Date Rcvd: Dec 14, 2018

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Lois M. Vitti on behalf of Creditor Dyer Law Firm, P.C. nicole@vitttilaw.com,  
loismvitti@vitttilaw.com  
Lois M. Vitti on behalf of Other Prof. 6350 Waldron Street, LLC nicole@vitttilaw.com,  
loismvitti@vitttilaw.com  
Matthew Christian Waldt on behalf of Creditor Wells Fargo Bank, N.A., as Trustee , for the  
certificate holders of Asset-Backed Pass-Through Certificates, Series 2005-WCW3  
mwaldt@milsteadlaw.com, bkecf@milsteadlaw.com  
Norman E. Gilkey on behalf of Mediator Norman Gilkey ngilkey@bccz.com  
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov  
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,  
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com  
Ronald B. Roteman on behalf of Creditor Jennifer Mariani rroteman@stonecipherlaw.com,  
ykocher@stonecipherlaw.com  
S. James Wallace on behalf of Creditor Equitable Gas Bankruptcy Department sjw@sjwpgh.com,  
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com  
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,  
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com  
Sherri J. Smith on behalf of Creditor Ocwen Loan Servicing, LLC as servicer for U.S. Bank  
N.A., as Trustee for the registered holders of Structured Asset Securities Corporation, Mortgage  
Pass-Through Certificates, Series 2005-SC1 pawb@fedphe.com, sherri.braunstein@phelanhallinan.com  
Sherri J. Smith on behalf of Creditor U.S. Bank N.A., as Trustee for the registered holders  
of Structured Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1  
pawb@fedphe.com, sherri.braunstein@phelanhallinan.com  
Stuart P. Winneg on behalf of Creditor U.S. Bank N.A., as Trustee for the registered holders  
of Structured Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1  
swinneg@udren.com, cblack@udren.com

TOTAL: 31